

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CV-409-FL

N.C., a minor, and CELESTE VICENTE,
Guardian Ad Litem for minor,

Plaintiffs,

v.

ERIC TYREK JIMMERSON and APEX
COACH LLC,

Defendants.

ORDER

This matter is before the court on defendants' consent motion (DE 38) to allow defendant Apex Coach, LLC's owner, Alex Mulerman ("Mulerman"), to testify by remote video means, or alternatively, to continue trial, currently set to commence at New Bern on April 26, 2021, at 9:00 a.m. For the following reasons, the court allows Mulerman to testify by remote video means, and denies the alternative relief sought.


COURT'S DISCUSSION

Defendants request that Mulerman, the sole owner of defendant Apex Coach, LLC, testify by remote video means at trial. Mulerman lives in Long Island, New York, and he is hesitant to travel to North Carolina because he has not received the Covid-19 vaccine. In addition, his daughter is scheduled to have a caesarian section on April 26, 2021, and her vulnerability following this procedure exacerbates Mulerman's Covid-19 related travel concerns. Pursuant to the court's June 18, 2020, standing order, defendants have demonstrated good cause for Mulerman to testify by remote video means.

CONCLUSION

Based on the foregoing, defendants' motion (DE 38) is GRANTED IN PART AND DENIED IN PART. The court ALLOWS Mulerman to testify by remote video means at trial and DENIES the alternative relief.

SO ORDERED, this the 29th day of March, 2021.



LOUISE W. FLANAGAN
United States District Judge